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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/564,911	01/17/2006	Johannis Friso Rendert Blacquiere	NL030897	5339

24737 7590 09/15/2008

PHILIPS INTELLECTUAL PROPERTY & STANDARDS

P.O. BOX 3001

BRIARCLIFF MANOR, NY 10510

EXAMINER

PENDLETON, DIONNE

ART UNIT

PAPER NUMBER

2627

MAIL DATE

DELIVERY MODE

09/15/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

## Application No.

10/564,911

## Applicant(s)

BLACQUIERE ET AL.

## Examiner

DIONNE H. PENDLETON

## Art Unit

2627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 20 June 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Specification***

1. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required.

Claim 9 has been amended to recite, "a computer readable medium"; however, there is not proper antecedent basis for the claim terminology.

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 9 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claim 9 has been amended to recite, "a computer readable medium", however, there is no disclosure of such, hence is considered new matter.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary

skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**3. Claims 1-9** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Ohata (U.S. 6,469,978)** in view of **Tokumitsu (Pub. No. US 2002/0150009)**.

**Regarding claims 1, 8, and 9,**

Ohata teaches a device for recording information in blocks having logical addresses, which device comprises:

recording means (**“3” in figure 13**) for recording marks in a track on a record carrier representing the information,

control means (**8 in figure 13**) for controlling the recording by locating each block at a physical address in the track, the control means operating to control, thereby comprising

addressing means (**6 in figure 13**) for translating the logical addresses into the physical addresses and vice versa in dependence of defect management information (**column 10:19-24**),

means for detecting defects (**“4” in figure 13**), interpreted as corresponding at least in part to the “defect management means” for detecting defects and means for maintaining the defect management information in defect management areas on the record carrier (**column 10:29-41**),

the defect management information including assignment information indicative of assignment of physical addresses in first parts of the track to at least one user data area (**column 7:64-column 8:5, emphasis on line 5 of column 8; also column 10:29-34, emphasis on lines 33-34**), and assignment of physical addresses in second parts of the track to defect management

areas (**column 7:52-63; figure 2; also column 10:35-37**), and the defect management information including remapping information indicative for translating a logical address initially mapped to a physical address exhibiting a defect to an alternate physical address in a defect management area (**column 8:29-36; also column 10:44-47 which discloses mapping logical address to physical address**), and

assignment means (**combined operations of "6" + "7" in figure 13**) for adapting the assignment information in dependence of a detected defect by assigning an additional physical address range to an additional defect management area, the additional physical address range having a starting physical address near the detected defect (**see additional sectors in spare area, corresponding to additional physical addresses in figure 4; also see figure 2 wherein spare area is disposed "near" user data area**).

Ohata does not expressly teach that assignment information is adapted in dependence of a detected defect, detected during recording, as now claimed.

TOKUMITSU teaches, in **paragraph [0002]**, assigning an alternative block i.e., adapt assignment information, for recording therein when a defective block is detected during the recording operation.

It would have been obvious for one of ordinary skill in the art at the time of the invention to combine the teachings of Ohata and Tokumitsu, such that defective area may be detected during the recording operation, for the purpose of enabling the recording of data to the optical disc in question.

**Regarding claim 2,**

Ohata teaches the device as claimed in claim 1, wherein the assignment means are for assigning the additional physical address range including the detected defect (**column 8:33-36**).

**Regarding claim 3,**

Ohata teaches the device as claimed in claim 1, wherein the assignment means are for assigning the additional physical address range having a predefined size (**see embodiment 1**), or a size based on defect parameters of a preceding or following recording area (**column 10:48-56**), in particular the amount and distribution of defect management areas already assigned, the amount of user area between the additional physical address range and a preceding or following defect management area, and/or detected defects (**also, see column 10:65 – column 11:1-25**).

**Regarding claim 4,**

Ohata teaches the device as claimed in claim 1, wherein the assignment means are for assigning the additional physical address range having a size including at least a first detected defect, a second detected defect and the physical addresses between the first and second detected defect (**column 8:29-36 teaches that detected defects are recorded in respective sectors of the spare area. Adjacent sectors inherently have some degree of free space there-between, said free space being directly or indirectly accounted for in the address information of the defect list**).

**Regarding claim 5,**

Ohata teaches the device as claimed in claim 1, wherein the assignment means are for assigning the additional physical address range to a range of physical address in a part of the

track originally assigned to the at least one user data area, in particular the part of the track being a free space in the user data area (**column 9:23-34**).

**Regarding claim 6,**

Ohata teaches the device as claimed in claim 1, wherein the device comprises contiguous recording detection means for detecting a series of blocks having a continuous logical address range to be recorded in a corresponding allocated physical address range (**column 10:19-24, 44-47, and column 13:8-20**), and the assignment means are for assigning the additional physical address range outside the allocated physical address range (**see, column 13:40-50**).

**Regarding claim 7,**

Ohata teaches the device as claimed in claim 6, wherein the contiguous recording detection means are for detecting a continuous recordings indicator in a recording command, or for detecting the series of blocks representing real-time information, in particular video information, or for detecting file system information for detecting that the series of blocks constitute a file (**Ohata teaches a device for use with conventional optical discs having data thereon or requiring data to be written thereto, in which case user data areas having data written therein will be indicative of continuous recordings as claimed**).

***Response to Arguments***

4. Applicant's arguments with respect to claims rejected in the Official Action mailed 3/20/2008 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **DIONNE H. PENDLETON** whose telephone number is (571)272-7497. The examiner can normally be reached on 10:30-7:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wayne Young can be reached on 571-272-7582. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dionne H Pendleton/  
Examiner, Art Unit 2627

/Wayne Young/  
Supervisory Patent Examiner, Art Unit 2627